

1 **HOMELESS SERVICES AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Jacob L. Anderegg

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the oversight and provision of services for  
10 individuals experiencing homelessness.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies the membership of the Utah Homelessness Council (council) within the  
15 Office of Homeless Services (office);
- 16 ▶ establishes the Utah Homeless Network Steering Committee within the office and  
17 describes the membership and duties of the steering committee;
- 18 ▶ allows certain municipalities to receive funds from the Homeless Shelter Cities  
19 Mitigation Restricted Account (account) to mitigate the impacts of homeless  
20 shelters;
- 21 ▶ establishes a formula for the office's disbursement of funds to municipalities that  
22 have been approved by the council to receive account funds;
- 23 ▶ removes provisions allowing the office to provide grants from the account;
- 24 ▶ modifies provisions related to the process for municipalities to request account  
25 funds;
- 26 ▶ requires the council to consider certain factors in determining whether to approve or  
27 deny a municipality's request for account funds;
- 28 ▶ removes provisions requiring the office to make recommendations to the Legislature  
29 regarding requests for account funds;

- 30           ▶ requires certain councils of governments to annually prepare and submit to the
- 31 office an overflow plan that establishes plans for temporary overflow shelters within
- 32 the county during a limited period of time;
- 33           ▶ requires the office to review the overflow plan to determine whether the plan is
- 34 sufficient for the provision of services for individuals experiencing homelessness
- 35 during a limited period of time;
- 36           ▶ allows certain homeless shelters to expand capacity during a limited period of time
- 37 under certain circumstances;
- 38           ▶ prohibits municipalities from imposing certain capacity limits on homeless shelters
- 39 during a limited period of time under certain circumstances;
- 40           ▶ prohibits municipalities from restricting an entity from operating a temporary
- 41 overflow shelter from a facility owned or operated by the entity during a limited
- 42 period of time under certain circumstances;
- 43           ▶ allows the office to contract with an entity to operate a temporary overflow shelter
- 44 from a state facility during a limited period of time under certain circumstances;
- 45           ▶ requires the office to make rules governing certain overflow plans and temporary
- 46 overflow shelters; and
- 47           ▶ makes technical and conforming changes.

48 **Money Appropriated in this Bill:**

49           This bill appropriates in fiscal year 2023:

- 50           ▶ to Department of Workforce Services - Office of Homeless Services, as a one-time
- 51 appropriation:
  - 52           • from General Fund, \$5,800,000;
- 53           ▶ to General Fund Restricted - Homeless Shelter Cities Mitigation Restricted
- 54 Account, as an ongoing appropriation:
  - 55           • from General Fund, \$5,000,000;
- 56           ▶ to Department of Workforce Services - Office of Homeless Services, as an ongoing
- 57 appropriation:

- 58           • from General Fund Restricted - Homeless Shelter Cities Mitigation Restricted
- 59 Account, \$5,000,000; and
- 60           ▸ to Department of Workforce Services - Office of Homeless Services, as a one-time
- 61 appropriation:
- 62           • from Federal Funds - American Rescue Plan, \$1,000,000.

**63 Other Special Clauses:**

64           This bill provides a special effective date.

**65 Utah Code Sections Affected:**

66 AMENDS:

- 67           **35A-16-102**, as enacted by Laws of Utah 2021, Chapter 281
- 68           **35A-16-203**, as enacted by Laws of Utah 2021, Chapter 281
- 69           **35A-16-204**, as enacted by Laws of Utah 2021, Chapter 281
- 70           **35A-16-205**, as enacted by Laws of Utah 2021, Chapter 281
- 71           **59-12-205**, as last amended by Laws of Utah 2021, Chapter 281

72 ENACTS:

- 73           **35A-16-206**, Utah Code Annotated 1953
- 74           **35A-16-207**, Utah Code Annotated 1953
- 75           **35A-16-401**, Utah Code Annotated 1953
- 76           **35A-16-501**, Utah Code Annotated 1953
- 77           **35A-16-502**, Utah Code Annotated 1953
- 78           **35A-16-503**, Utah Code Annotated 1953

79 RENUMBERS AND AMENDS:

- 80           **35A-16-402**, (Renumbered from 35A-16-304, as renumbered and amended by Laws of
- 81 Utah 2021, Chapter 281)
- 82           **35A-16-403**, (Renumbered from 35A-16-305, as renumbered and amended by Laws of
- 83 Utah 2021, Chapter 281)
- 84           **35A-16-404**, (Renumbered from 35A-16-307, as renumbered and amended by Laws of
- 85 Utah 2021, Chapter 281)

86 REPEALS:

87 **35A-16-306**, as renumbered and amended by Laws of Utah 2021, Chapter 281

88 **63J-1-801**, as last amended by Laws of Utah 2021, Chapter 281

89 **63J-1-802**, as last amended by Laws of Utah 2021, Chapter 281



91 *Be it enacted by the Legislature of the state of Utah:*

92 Section 1. Section **35A-16-102** is amended to read:

93 **35A-16-102. Definitions.**

94 As used in this chapter:

95 (1) "Collaborative applicant" means the entity designated by a continuum of care to  
96 collect and submit data and apply for funds on behalf of the continuum of care, as required by  
97 the United States Department of Housing and Urban Development.

98 (2) "Continuum of care" means a regional or local planning body designated by the  
99 United States Department of Housing and Urban Development to coordinate services for  
100 individuals experiencing homelessness within an area of the state.

101 [~~1~~] (3) "Coordinator" means the state homelessness coordinator appointed under  
102 Section **63J-4-202**.

103 [~~2~~] (4) "Executive committee" means the executive committee of the homelessness  
104 council described in Section **35A-16-204**.

105 [~~3~~] (5) "Homeless Management Information System" or "HMIS" means an  
106 information technology system that:

107 (a) is used to collect client-level data and data on the provision of housing and services  
108 to homeless individuals and individuals at risk of homelessness in the state; and

109 (b) meets the requirements of the United States Department of Housing and Urban  
110 Development.

111 [~~4~~] (6) "Homeless services budget" means the comprehensive annual budget and  
112 overview of all homeless services available in the state described in Subsection  
113 **35A-16-203(1)(b)**.

114            [~~5~~] (7) "Homelessness council" means the Utah Homelessness Council created in  
115 Section [35A-16-204](#).

116            (8) "Local homeless council" means a local planning body designated by the steering  
117 committee to coordinate services for individuals experiencing homelessness within an area of  
118 the state.

119            [~~6~~] (9) "Office" means the Office of Homeless Services.

120            (10) "Steering committee" means the Utah Homeless Network Steering Committee  
121 created in Section [35A-16-206](#).

122            [~~7~~] (11) "Strategic plan" means the statewide strategic plan to minimize homelessness  
123 in the state described in Subsection [35A-16-203](#)(1)(c).

124            Section 2. Section **35A-16-203** is amended to read:

125            **35A-16-203. Powers and duties of the coordinator.**

126            (1) The coordinator shall:

127            (a) coordinate the provision of homeless services in the state;

128            (b) in cooperation with the homelessness council, develop and maintain a  
129 comprehensive annual budget and overview of all homeless services available in the state,  
130 which homeless services budget shall receive final approval by the homelessness council;

131            (c) in cooperation with the homelessness council, create a statewide strategic plan to  
132 minimize homelessness in the state, which strategic plan shall receive final approval by the  
133 homelessness council;

134            (d) in cooperation with the homelessness council, oversee funding provided for the  
135 provision of homeless services, which funding shall receive final approval by the homelessness  
136 council, including funding from the:

137            (i) Pamela Atkinson Homeless Account created in Section [35A-16-301](#);

138            (ii) Homeless to Housing Reform Restricted Account created in Section [35A-16-303](#);

139 and

140            (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section

141 [~~35A-16-304~~] [35A-16-402](#);

142 (e) provide administrative support to and serve as a member of the homelessness  
143 council;

144 (f) at the governor's request, report directly to the governor on issues regarding  
145 homelessness in the state and the provision of homeless services in the state; and

146 (g) report directly to the president of the Senate and the speaker of the House of  
147 Representatives at least twice each year on issues regarding homelessness in the state and the  
148 provision of homeless services in the state.

149 (2) The coordinator, in cooperation with the homelessness council, shall ensure that the  
150 homeless services budget described in Subsection (1)(b) includes an overview and coordination  
151 plan for all funding sources for homeless services in the state, including from state agencies,  
152 Continuum of Care organizations, housing authorities, local governments, federal sources, and  
153 private organizations.

154 (3) The coordinator, in cooperation with the homelessness council, shall ensure that the  
155 strategic plan described in Subsection (1)(c):

156 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in  
157 the state and for coordinating services for individuals experiencing homelessness among all  
158 service providers in the state;

159 (b) identifies best practices and recommends improvements to the provision of services  
160 to individuals experiencing homelessness in the state to ensure the services are provided in a  
161 safe, cost-effective, and efficient manner;

162 (c) identifies best practices and recommends improvements in coordinating the  
163 delivery of services to the variety of populations experiencing homelessness in the state,  
164 including through the use of electronic databases and improved data sharing among all service  
165 providers in the state; and

166 (d) identifies gaps and recommends solutions in the delivery of services to the variety  
167 of populations experiencing homelessness in the state.

168 (4) In overseeing funding for the provision of homeless services as described in  
169 Subsection (1)(d), the coordinator:

170 (a) shall prioritize the funding of programs and providers that have a documented  
171 history of successfully reducing the number of individuals experiencing homelessness,  
172 reducing the time individuals spend experiencing homelessness, moving individuals  
173 experiencing homelessness to permanent housing, or reducing the number of individuals who  
174 return to experiencing homelessness; and

175 (b) except for a program or provider providing services to victims of domestic  
176 violence, may not approve funding to a program or provider that does not enter into a written  
177 agreement with the office to collect and share HMIS data regarding the provision of services to  
178 individuals experiencing homelessness so that the provision of services can be coordinated  
179 among state agencies, local governments, and private organizations.

180 (5) In cooperation with the homelessness council, the coordinator shall update the  
181 annual statewide budget and the strategic plan described in this section on an annual basis.

182 (6) (a) On or before October 1, the coordinator shall provide a written report to the  
183 department for inclusion in the department's annual written report described in Section  
184 [35A-1-109](#).

185 (b) The written report shall include:

186 (i) the homeless services budget;

187 (ii) the strategic plan; and

188 (iii) recommendations regarding improvements to coordinating and providing services  
189 to individuals experiencing homelessness in the state.

190 Section 3. Section **35A-16-204** is amended to read:

191 **35A-16-204. Utah Homelessness Council.**

192 (1) There is created within the office the Utah Homelessness Council.

193 (2) The homelessness council shall consist of the following members:

194 (a) a representative of the public sector with expertise in homelessness issues,  
195 appointed by the Legislature;

196 (b) a representative of the private sector, appointed by the Utah Impact Partnership or  
197 the partnership's successor organization;

- 198 (c) a representative of the private sector with expertise in homelessness issues,  
199 appointed by the governor;
- 200 (d) a statewide philanthropic leader, appointed by the governor;
- 201 (e) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the  
202 partnership's successor organization;
- 203 (f) the mayor of Salt Lake County;
- 204 (g) the mayor of Salt Lake City;
- 205 (h) the mayor of Midvale;
- 206 (i) the mayor of South Salt Lake;
- 207 (j) the mayor of Ogden;
- 208 (k) the mayor of St. George;
- 209 (l) the executive director of the Department of Health and Human Services, or the  
210 executive director's designee;
- 211 (m) the ~~[executive director of the Department of Health, or the executive director's]~~  
212 commissioner of public safety, or the commissioner's designee;
- 213 (n) the executive director of the Department of Corrections, or the executive director's  
214 designee;
- 215 (o) the executive director of the Department of Workforce Services, or the executive  
216 director's designee;
- 217 (p) the executive director of the Governor's Office of Planning and Budget, or the  
218 executive director's designee;
- 219 (q) a member of the Senate, appointed by the president of the Senate;
- 220 (r) a member of the House of Representatives, appointed by the speaker of the House  
221 of Representatives;
- 222 (s) the state superintendent of public instruction or the superintendent's designee;
- 223 (t) a faith-based leader in the state, appointed by the governor;
- 224 (u) five local representatives~~[, including at least two private providers of services for~~  
225 ~~people experiencing homelessness,]~~ appointed by the [~~Utah Homeless Network~~] steering

226 committee, of which at least two are private providers of services for people experiencing  
227 homelessness;

228 (v) one individual who has experienced homelessness, appointed by the governor; and  
229 (w) the coordinator.

230 (3) The member appointed under Subsection (2)(a) and the member appointed under  
231 Subsection (2)(b) shall serve as the cochairs of the homelessness council.

232 (4) The following [~~eight~~] nine members of the homelessness council shall serve as the  
233 executive committee of the homelessness council:

234 (a) the cochairs of the homelessness council as described in Subsection (3);

235 (b) the private sector representative appointed under Subsection (2)(c);

236 (c) the statewide philanthropic leader appointed under Subsection (2)(d);

237 (d) the statewide philanthropic leader appointed under Subsection (2)(e);

238 (e) the mayor of Salt Lake County;

239 (f) a mayor chosen among the member mayors described in Subsections (2)(g) through  
240 (2)(k), appointed by the member mayors; [~~and~~]

241 (g) a local representative chosen among the local representatives described in  
242 Subsection (2)(u), appointed by the cochairs of the homelessness council; and

243 [~~(g)~~] (h) the coordinator.

244 (5) The cochairs and the executive committee may call homelessness council meetings  
245 and set agendas for [~~committee~~] meetings.

246 (6) The homelessness council shall meet at least four times per year.

247 (7) A majority of members of the homelessness council constitutes a quorum of the  
248 homelessness council at any meeting, and the action of the majority of members present  
249 constitutes the action of the homelessness council.

250 (8) A majority of members of the executive committee constitutes a quorum of the  
251 executive committee at any meeting, and the action of the majority of members present  
252 constitutes the action of the executive committee.

253 (9) (a) Except as required by Subsection (9)(b), appointed members of the

254 homelessness council shall serve a term of four years.

255 (b) Notwithstanding the requirements of Subsection (9)(a), the appointing authority, at  
256 the time of appointment or reappointment, may adjust the length of terms to ensure that the  
257 terms of homelessness council members are staggered so that approximately half of appointed  
258 homelessness council members are appointed every two years.

259 (10) When a vacancy occurs in the appointed membership for any reason, the  
260 replacement is appointed for the unexpired term.

261 (11) (a) Except as described in Subsection (11)(b), a member may not receive  
262 compensation or benefits for the member's service, but may receive per diem and travel  
263 expenses in accordance with:

264 (i) Section 63A-3-106;

265 (ii) Section 63A-3-107; and

266 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
267 63A-3-107.

268 (b) Compensation and expenses of a commission member who is a legislator are  
269 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
270 Expenses.

271 (12) The office and the department shall provide administrative support to the  
272 homelessness council.

273 Section 4. Section 35A-16-205 is amended to read:

274 **35A-16-205. Duties of the homelessness council.**

275 The homelessness council:

276 (1) shall provide final approval for:

277 (a) the homeless services budget;

278 (b) the strategic plan; and

279 (c) the awarding of funding for the provision of homeless services as described in  
280 Subsection 35A-16-203(1)(d);

281 (2) in cooperation with the coordinator, shall:

- 282 (a) develop and maintain the homeless services budget;
  - 283 (b) develop and maintain the strategic plan; and
  - 284 (c) review applications and approve funding for the provision of homeless services in  
285 the state as described in Subsection 35A-16-203(1)(d);
  - 286 (3) shall review local and regional plans for providing services to individuals  
287 experiencing homelessness;
  - 288 (4) shall cooperate with local homeless councils [~~as designated by the Utah Homeless~~  
289 ~~Network~~] to:
    - 290 (a) develop a common agenda and vision for reducing homelessness in each local  
291 oversight body's respective region;
    - 292 (b) as part of the homeless services budget, develop a spending plan that coordinates  
293 the funding supplied to local stakeholders; and
    - 294 (c) align local funding to projects that improve outcomes and target specific needs in  
295 each community;
    - 296 (5) shall coordinate gap funding with private entities for providing services to  
297 individuals experiencing homelessness;
    - 298 (6) shall recommend performance and accountability measures for service providers,  
299 including the support of collecting consistent and transparent data; and
    - 300 (7) when reviewing and giving final approval for requests as described in Subsection  
301 35A-16-203(1)(d):
      - 302 (a) may only recommend funding if the proposed recipient has a policy to share  
303 client-level service information with other entities in accordance with state and federal law to  
304 enhance the coordination of services for individuals who are experiencing homelessness; and
      - 305 (b) shall identify specific targets and benchmarks that align with the strategic plan for  
306 each recommended award.
- 307 Section 5. Section 35A-16-206 is enacted to read:
- 308 **35A-16-206. Utah Homeless Network Steering Committee.**
- 309 (1) There is created within the office the Utah Homeless Network Steering Committee.

- 310 (2) The steering committee shall consist of the following members:  
311 (a) the chair of each local homeless council or the chair's designee;  
312 (b) one individual who has experienced homelessness, appointed by the cochair of the  
313 steering committee;  
314 (c) one representative of the collaborative applicant for the Balance of State continuum  
315 of care, appointed by the collaborative applicant;  
316 (d) one representative of the collaborative applicant for the Mountainland continuum of  
317 care, appointed by the collaborative applicant;  
318 (e) one representative of the collaborative applicant for the Salt Lake County  
319 continuum of care, appointed by the collaborative applicant;  
320 (f) one representative of the office's program staff, appointed by the coordinator; and  
321 (g) one representative of the office's data staff, appointed by the coordinator.  
322 (3) The steering committee shall select two members from among the members  
323 described in Subsection (2)(a) to serve as cochairs, of which:  
324 (a) one cochair shall be chosen among the members representing:  
325 (i) the Mountainland local homeless council;  
326 (ii) the Salt Lake County local homeless council;  
327 (iii) the Davis local homeless council; and  
328 (iv) the Weber-Morgan local homeless council; and  
329 (b) one cochair shall be chosen among the members representing all other local  
330 homeless councils that are not listed in Subsection (3)(a).  
331 (4) The cochairs are responsible for the call and conduct of meetings.  
332 (5) (a) A majority of the members of the steering committee constitutes a quorum.  
333 (b) The action of a majority of a quorum constitutes the action of the steering  
334 committee.  
335 (6) A member may not receive compensation or benefits for the member's service, but  
336 may receive per diem and travel expenses in accordance with:  
337 (a) Section [63A-3-106](#);

338           (b) Section 63A-3-107; and  
339           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
340 63A-3-107.  
341           (7) The office and the department shall provide administrative support to the steering  
342 committee.

343           Section 6. Section 35A-16-207 is enacted to read:

344           **35A-16-207. Duties of the steering committee.**

345           The steering committee shall:

346           (1) support connections across continuums of care, local homeless councils, and state  
347 and local governments;

348           (2) coordinate statewide emergency and crisis response in relation to services for  
349 individuals experiencing homelessness;

350           (3) provide training to providers of services for individuals experiencing homelessness,  
351 stakeholders, and policymakers;

352           (4) educate the general public and other interested persons regarding the needs,  
353 challenges, and opportunities for individuals experiencing homelessness; and

354           (5) make recommendations to the homelessness council regarding the awarding of  
355 funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d).

356           Section 7. Section 35A-16-401 is enacted to read:

357                           **Part 4. Homeless Shelter Cities Mitigation Restricted Account**

358           **35A-16-401. Definitions.**

359           As used in this part:

360           (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account  
361 created in Section 35A-16-402.

362           (2) "Eligible municipality" means:

363           (a) a first-tier eligible municipality;

364           (b) a second-tier eligible municipality; or

365           (c) a third-tier eligible municipality.

366           (3) "Eligible services" means public safety services or any other services that mitigate  
367 the impacts of the location of an eligible shelter, as further defined by rule made by the office  
368 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

369           (4) "Eligible shelter" means:

370           (a) for a first-tier eligible municipality, a homeless shelter that:

371           (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as  
372 verified by the office;

373           (ii) operates year-round; and

374           (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
375 operation;

376           (b) for a second-tier municipality, a homeless shelter that:

377           (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as  
378 verified by the office;

379           (ii) operates year-round; and

380           (iii) is not subject to restrictions that limit the hours, days, weeks, or months of  
381 operation; and

382           (c) for a third-tier eligible municipality, a homeless shelter that:

383           (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,  
384 as verified by the office; and

385           (B) operates for no less than three months during the period beginning October 1 and  
386 ending April 30 of the following year; or

387           (ii) (A) meets the definition of a homeless shelter under Section [35A-16-501](#); and

388           (B) increases capacity during an overflow period, as defined in Section [35A-16-501](#), in  
389 accordance with Subsection [35A-16-502](#)(6)(a).

390           (5) "First-tier eligible municipality" means a municipality that:

391           (a) is located within a county of the first or second class;

392           (b) has or is proposed to have an eligible shelter within the municipality's geographic  
393 boundaries;

394 (c) due to the location of an eligible shelter within the municipality's geographic  
395 boundaries, requires eligible services; and

396 (d) is certified as a first-tier eligible municipality in accordance with Section  
397 35A-16-404.

398 (6) "Homeless shelter" means a facility that provides or is proposed to provide  
399 temporary shelter to individuals experiencing homelessness.

400 (7) "Municipality" means a city, town, or metro township.

401 (8) "Public safety services" means law enforcement, emergency medical services, or  
402 fire protection.

403 (9) "Second-tier eligible municipality" means a municipality that:

404 (a) is located within a county of the third, fourth, fifth, or sixth class;

405 (b) has or is proposed to have an eligible shelter within the municipality's geographic  
406 boundaries;

407 (c) due to the location of an eligible shelter within the municipality's geographic  
408 boundaries, requires eligible services; and

409 (d) is certified as a second-tier eligible municipality in accordance with Section  
410 35A-16-404.

411 (10) "Third-tier eligible municipality" means a municipality that:

412 (a) is located within any county;

413 (b) has or is proposed to have an eligible shelter within the municipality's geographic  
414 boundaries; and

415 (c) due to the location of an eligible shelter within the municipality's geographic  
416 boundaries, requires eligible services.

417 Section 8. Section **35A-16-402**, which is renumbered from Section 35A-16-304 is  
418 renumbered and amended to read:

419 ~~[35A-16-304].~~ **35A-16-402. Homeless Shelter Cities Mitigation Restricted**  
420 **Account -- Formula for disbursing account funds to eligible municipalities.**

421 ~~[(1) As used in this section:]~~

- 422 ~~[(a) "Annual local contribution" means:]~~
- 423 ~~[(i) for a participating local government, the lesser of \$200,000 or an amount equal to~~
- 424 ~~1.8% of the participating local government's tax revenue distribution amount under Subsection~~
- 425 ~~59-12-205(2)(a) for the previous fiscal year; or]~~
- 426 ~~[(ii) for an eligible municipality or a grant eligible entity that is certified in accordance~~
- 427 ~~with Section 35A-8-609, \$0.]~~
- 428 ~~[(b) "Eligible municipality" means the same as that term is defined in Section~~
- 429 ~~35A-16-305.]~~
- 430 ~~[(c) "Grant eligible entity" means the same as that term is defined in Section~~
- 431 ~~35A-16-306.]~~
- 432 ~~[(d) "Participating local government" means a county or municipality, as defined in~~
- 433 ~~Section 10-1-104, that is not an eligible municipality or grant eligible entity as certified by the~~
- 434 ~~department in accordance with Section 35A-16-307.]~~
- 435 ~~[(2)]~~ (1) There is created a restricted account within the General Fund known as the
- 436 Homeless Shelter Cities Mitigation Restricted Account.
- 437 ~~[(3)]~~ (2) The account shall be funded by:
- 438 (a) local sales and use tax revenue deposited into the account in accordance with
- 439 Section 59-12-205; ~~[and]~~
- 440 (b) interest earned on the account~~[-];~~ and
- 441 (c) appropriations made to the account by the Legislature.
- 442 ~~[(4) (a)]~~ (3) The office shall administer the account.
- 443 ~~[(b) Subject to appropriation, the office shall disburse funds from the account to:]~~
- 444 ~~[(i) eligible municipalities in accordance with Sections 35A-16-305 and 63J-1-802;~~
- 445 ~~and]~~
- 446 ~~[(ii) grant eligible entities in accordance with Sections 35A-16-306 and 63J-1-802.]~~
- 447 (4) (a) Subject to appropriations, the office shall annually disburse funds from the
- 448 account as follows:
- 449 (i) 92.5% shall be disbursed to first-tier eligible municipalities that have been approved

450 to receive account funds under Section 35A-16-403, of which:

451 (A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed  
452 proportionately among applicants based on the total number of individuals experiencing  
453 homelessness who are served by eligible shelters within each municipality, as determined by  
454 the office;

455 (B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed  
456 proportionately among applicants based on the total number of individuals experiencing  
457 homelessness who are served by eligible shelters within each municipality as compared to the  
458 total population of the municipality, as determined by the office; and

459 (C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed  
460 proportionately among applicants based on the total year-round capacity of all eligible shelters  
461 within each municipality, as determined by the office;

462 (ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been  
463 approved to receive account funds under Section 35A-16-403, of which:

464 (A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed  
465 proportionately among applicants based on the total number of individuals experiencing  
466 homelessness who are served by eligible shelters within each municipality, as determined by  
467 the office;

468 (B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed  
469 proportionately among applicants based on the total number of individuals experiencing  
470 homelessness who are served by eligible shelters within each municipality as compared to the  
471 total population of the municipality, as determined by the office; and

472 (C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed  
473 proportionately among applicants based on the total year-round capacity of all eligible shelters  
474 within each municipality, as determined by the office; and

475 (iii) 5% shall be disbursed to third-tier eligible municipalities that have been approved  
476 to receive account funds under Section 35A-16-403, in accordance with a formula established  
477 by the office and approved by the homelessness council.

478 (b) In disbursing funds to first-tier municipalities under Subsection (4)(a)(i), the  
479 maximum amount of funds that the office may disburse each year to a single first-tier  
480 municipality may not exceed the greater of:

- 481 (i) \$2,750,000; or
- 482 (ii) 25% of the total amount of funds disbursed under Subsection (4)(a)(i).

483 (c) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the  
484 maximum amount of funds that the office may disburse each year to a single second-tier  
485 municipality may not exceed 50% of the total amount of funds disbursed under Subsection  
486 (4)(a)(ii).

487 (d) The office may disburse funds to a third-tier municipality under Subsection  
488 (4)(a)(iii) regardless of whether the municipality receives funds under Subsection (4)(a)(i) as a  
489 first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.

490 Section 9. Section **35A-16-403**, which is renumbered from Section 35A-16-305 is  
491 renumbered and amended to read:

492 ~~[35A-16-305].~~ **35A-16-403. Eligible municipality application process for**  
493 **Homeless Shelter Cities Mitigation Restricted Account funds.**

494 [~~(1) As used in this section:~~]

495 [~~(a) "Account" means the restricted account created in Section 35A-16-304.~~]

496 [~~(b) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a~~  
497 ~~metro township that:~~]

498 [~~(i) has, or is proposed to have, a homeless shelter within the city's, town's, or metro~~  
499 ~~township's geographic boundaries;~~]

500 [~~(ii) due to the location of a homeless shelter within the city's, town's, or metro~~  
501 ~~township's geographic boundaries, needs more public safety services than the city, town, or~~  
502 ~~metro township needed before the location of the homeless shelter within the city's, town's, or~~  
503 ~~metro township's geographic boundaries; and]~~

504 [~~(iii) is certified as an eligible municipality in accordance with Section 35A-16-307.~~]

505 [~~(c) "Homeless shelter" means a facility that:~~]

506           ~~[(i) provides or is proposed to provide temporary shelter to homeless individuals;]~~  
507           ~~[(ii) has or is proposed to have the capacity to provide temporary shelter to at least 200~~  
508 ~~individuals per night; and]~~  
509           ~~[(iii) operates year-round and is not subject to restrictions that limit the hours, days,~~  
510 ~~weeks, or months of operation.]~~  
511           ~~[(d) "Public safety services" means law enforcement, emergency medical services, and~~  
512 ~~fire protection.]~~  
513           ~~[(2) (a) An eligible municipality may request account funds to employ and equip~~  
514 ~~additional personnel to provide public safety services in and around a homeless shelter within~~  
515 ~~the eligible municipality's geographic boundaries.]~~  
516           ~~[(b) (i) An eligible municipality that builds or has proposed to build a homeless shelter~~  
517 ~~on or after July 1, 2018, shall be eligible to receive at least 40% of the account funds, if the~~  
518 ~~eligible municipality meets the requirements of this section.]~~  
519           ~~[(ii) An eligible municipality that built a homeless shelter on or before June 30, 2018,~~  
520 ~~shall be eligible to receive at least 20% of the account funds, if the eligible municipality meets~~  
521 ~~the requirements of this section.]~~  
522           (1) An eligible municipality may apply for account funds to mitigate the impacts of the  
523 location of an eligible shelter through the provision of eligible services within the eligible  
524 municipality's boundaries.  
525           ~~[(3)]~~ (2) (a) This Subsection [(3)] (2) applies to a fiscal year beginning on or after July  
526 1, [2019] 2022.  
527           (b) (i) The homelessness council shall set aside time on the agenda of a homelessness  
528 council meeting that occurs on or after July 1 and on or before November 30 to allow an  
529 eligible municipality to present a request for account funds for the next fiscal year.  
530           (ii) An eligible municipality may present a request for account funds by:  
531           (A) sending an electronic copy of the request to the homelessness council before the  
532 meeting; and  
533           (B) appearing at the meeting to present the request.

- 534 (c) The request described in Subsection ~~[(3)(b)]~~ (2)(b)(ii) shall contain:
- 535 ~~[(i) data relating to the eligible municipality's public safety services for the last fiscal~~  
536 ~~year before a homeless shelter was located or proposed to be located within the eligible~~  
537 ~~municipality's boundaries, including:]~~
- 538 ~~[(A) crime statistics; and]~~
- 539 ~~[(B) calls for public safety services;]~~
- 540 ~~[(ii) data showing the eligible municipality's need for public safety services in the next~~  
541 ~~fiscal year;]~~
- 542 ~~[(iii) a summary of the eligible municipality's proposed use of account funds; and]~~
- 543 ~~[(iv) a copy of the eligible municipality's budget, which includes a request in a specific~~  
544 ~~amount for additional personnel to provide public safety services:]~~
- 545 (i) a proposal outlining the need for eligible services, including a description of each  
546 eligible service for which the eligible municipality requests account funds;
- 547 (ii) a description of the eligible municipality's proposed use of account funds;
- 548 (iii) a description of the outcomes that the funding would be used to achieve, including  
549 indicators that would be used to measure progress toward the specified outcomes; and
- 550 (iv) the amount of account funds requested.
- 551 (d) (i) On or before November 30, an eligible municipality that received account funds  
552 during the previous fiscal year shall file electronically with the homelessness council a report  
553 that includes:
- 554 (A) a summary of the amount of account funds that the eligible municipality expended  
555 and the eligible municipality's specific use of those funds;
- 556 (B) an evaluation of the eligible municipality's effectiveness in using the account funds  
557 to address the eligible municipality's ~~[public safety]~~ needs due to the location of an eligible  
558 shelter; [and]
- 559 (C) an evaluation of the eligible municipality's progress regarding the outcomes and  
560 indicators described in Subsection (2)(c)(iii); and
- 561 ~~[(C)]~~ (D) any proposals for improving the eligible municipality's effectiveness in using

562 account funds that the eligible municipality may receive in future fiscal years.

563 (ii) The homelessness council may request additional information as needed to make  
564 the evaluation described in Subsection ~~[(3)]~~ (2)(e).

565 (e) The homelessness council shall evaluate a request made in accordance with this  
566 Subsection ~~[(3)]~~ (2) using the following factors:

567 (i) the strength ~~[and reliability of the data]~~ of the proposal that the eligible municipality  
568 provided to support the request;

569 (ii) if the eligible municipality received account funds during the previous fiscal year,  
570 the efficiency with which the eligible municipality used any account funds during the previous  
571 fiscal year;

572 (iii) the availability of funding for the eligible municipality under Subsection  
573 35A-16-402(4);

574 ~~[(iii)]~~ (iv) the availability of alternative funding for the eligible municipality to address  
575 the eligible municipality's ~~[need for public safety services]~~ needs due to the location of an  
576 eligible shelter; [and]

577 (v) whether the eligible municipality enacts and enforces an ordinance that prohibits  
578 camping; and

579 ~~[(iv)]~~ (vi) any other considerations identified by the homelessness council.

580 (f) (i) After making the evaluation described in Subsection ~~[(3)(e) and subject to other~~  
581 ~~provisions of this Subsection (3)(f)]~~ (2)(e), the homelessness council shall vote to ~~[recommend~~  
582 ~~that]~~ either approve or deny an eligible municipality's request [be:] for account funds.

583 ~~[(A) funded as requested; or]~~

584 ~~[(B) funded at a reduced level, as determined by the homelessness council.]~~

585 (ii) The homelessness council shall support the ~~[recommendation described in~~  
586 ~~Subsection (3)(f)(i)]~~ homelessness council's decision under Subsection (2)(f)(i) with findings  
587 on each of the factors described in Subsection ~~[(3)]~~ (2)(e).

588 ~~[(g) The committee shall submit the recommendation described in Subsection (3)(f)~~  
589 ~~to:]~~

590 ~~[(i) the governor for inclusion in the governor's budget to be submitted to the~~  
591 ~~Legislature; and]~~

592 ~~[(ii) the Social Services Appropriations Subcommittee of the Legislature for approval~~  
593 ~~in accordance with Section [63J-1-802](#).]~~

594 ~~[(h) (i) An eligible municipality that is approved to receive account funds under~~  
595 ~~Section [63J-1-802](#) shall submit an invoice of the eligible municipality's expenses, with~~  
596 ~~supporting documentation, to the office monthly for reimbursement.]~~

597 ~~[(ii) Each month, the office shall disburse the revenue in the account to reimburse an~~  
598 ~~eligible municipality that submits the information described in Subsection (3)(h)(i) for the~~  
599 ~~amount on the invoice or contract.]~~

600 (g) (i) If the homelessness council approves an eligible municipality's request to  
601 receive account funds under Subsection (2)(f), the office, subject to appropriation, shall  
602 calculate the amount of funds for disbursement to the eligible municipality under Subsection  
603 [35A-16-402\(4\)](#).

604 (ii) An eligible municipality that is approved to receive account funds may submit an  
605 invoice of the eligible municipality's expenses, with supporting documentation, to the office  
606 monthly for reimbursement.

607 ~~[(4)]~~ (3) On or before October 1, the coordinator, in cooperation with the homelessness  
608 council, shall:

609 (a) submit an annual written report electronically to the Social Services Appropriations  
610 Subcommittee of the Legislature that gives a complete accounting of the office's disbursement  
611 of the money from the account under this section for the previous fiscal year; and

612 (b) include information regarding the disbursement of money from the account under  
613 this section in the annual report described in Section [35A-1-109](#).

614 (4) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, the  
615 office shall make rules governing the process for calculating the amount of funds that an  
616 eligible municipality may receive under Subsection [35A-16-402\(4\)](#).

617 Section 10. Section **35A-16-404**, which is renumbered from Section 35A-16-307 is

618 renumbered and amended to read:

619 ~~[35A-16-307]~~. **35A-16-404. Certification of eligible municipality.**

620 (1) The office shall certify each year, on or after July 1 and before the first meeting of  
621 the homelessness council after July 1, the ~~[cities or towns]~~ municipalities that meet the  
622 requirements of ~~[an]~~ a first-tier eligible municipality or a second-tier eligible municipality ~~[or a~~  
623 ~~grant eligible entity]~~ as of July 1.

624 (2) On or before October 1, the office shall provide a list of the ~~[cities, towns, or metro~~  
625 ~~townships]~~ municipalities that the office has certified as meeting the requirements of ~~[an]~~ a  
626 first-tier eligible municipality or a second-tier eligible municipality ~~[or a grant eligible entity]~~  
627 for the year to the State Tax Commission.

628 Section 11. Section **35A-16-501** is enacted to read:

629 **Part 5. Overflow Plan Requirements**

630 **35A-16-501. Definitions.**

631 As used in this part:

632 (1) "Applicable county" means a county of the first class.

633 (2) "Capacity limit" means a limit as to the number of individuals that a homeless  
634 shelter may provide overnight shelter to under a conditional use permit.

635 (3) "Conference of mayors" means an association consisting of the mayor of each  
636 municipality located within a county.

637 (4) "Council of governments" means the same as that term is defined in Section  
638 [72-2-117.5](#).

639 (5) "Homeless shelter" means a facility that:

640 (a) is located within an applicable county;

641 (b) provides temporary shelter to individuals experiencing homelessness;

642 (c) has the capacity to provide temporary shelter to at least 200 individuals per night;

643 (d) operates year-round; and

644 (e) is not subject to restrictions that limit the hours, days, weeks, or months of  
645 operation.

646 (6) "Municipality" means a city, town, or metro township.

647 (7) "Overflow period" means the period beginning October 1 and ending April 30 of  
648 the following year.

649 (8) "Overflow plan" means the plan described in Subsection 35A-16-502(1).

650 (9) "State facility" means the same as that term is defined in Section 63A-5b-1001.

651 (10) "Subsequent overflow period" means the overflow period that begins on October 1  
652 of the year in which a council of governments is required to submit an overflow plan to the  
653 office under Section 35A-16-502.

654 (11) "Temporary overflow shelter" means a facility that:

655 (a) provides temporary emergency shelter to no more than 150 individuals  
656 experiencing homelessness during an overflow period; and

657 (b) does not operate year-round.

658 Section 12. Section 35A-16-502 is enacted to read:

659 **35A-16-502. Overflow plan required -- Contents -- Review - Consequences after**  
660 **determination of noncompliance.**

661 (1) (a) Subject to the requirements of this section, a conference of mayors of an  
662 applicable county shall annually prepare an overflow plan:

663 (i) in consultation with the local homeless council with jurisdiction over the applicable  
664 county; and

665 (ii) for the purpose described in Subsection (1)(c), in coordination with the council of  
666 governments of the applicable county.

667 (b) To assist the conference of mayors in preparing the overflow plan under Subsection  
668 (1)(a), the local homeless council with jurisdiction over the applicable county shall provide the  
669 following information to the conference of mayors:

670 (i) information regarding the need for one or more temporary overflow shelters to  
671 operate within the applicable county during the subsequent overflow period; and

672 (ii) potential locations within the applicable county for one or more temporary  
673 overflow shelters during the subsequent overflow period.

674 (c) On or before September 1 of each year, the council of governments of the  
675 applicable county shall submit to the office the overflow plan prepared by the conference of  
676 mayors under Subsection (1)(a).

677 (d) The council of governments may not make changes to the overflow plan prepared  
678 by the conference of mayors unless the changes are approved by the conference of mayors.

679 (2) The overflow plan shall:

680 (a) establish plans for the operation of one or more temporary overflow shelters within  
681 the applicable county during the subsequent overflow period;

682 (b) ensure that each temporary overflow shelter described in Subsection (2)(a) will  
683 meet all local zoning requirements before beginning operations;

684 (c) provide assurances that individuals experiencing homelessness in the applicable  
685 county will have sufficient access to shelter during the subsequent overflow period; and

686 (d) be approved by:

687 (i) the conference of mayors of the applicable county; and

688 (ii) the chief executive officer of each municipality located within the applicable  
689 county in which a temporary overflow shelter is planned to be located under the overflow plan.

690 (3) Within 10 days after the day on which the office receives an overflow plan under  
691 this section, the office shall, in accordance with Subsection (4), complete a review of the  
692 overflow plan to determine if the overflow plan complies with this section.

693 (4) The office shall make a determination of noncompliance if:

694 (a) after completing a review of an overflow plan, the office determines that the  
695 overflow plan does not meet the requirements of Subsection (2); or

696 (b) a council of governments fails to submit an overflow plan required under this  
697 section.

698 (5) No later than five days after the day on which the office makes a determination of  
699 noncompliance under Subsection (4), the office shall send notice of noncompliance to:

700 (a) the chair of the conference of mayors of the applicable county;

701 (b) the local homeless council with jurisdiction over the applicable county;

- 702 (c) the council of governments of the applicable county; and
- 703 (d) the legislative body of each municipality located within the applicable county.
- 704 (6) Subject to Subsections (7) through (13) and rules made by the office under Section
- 705 35A-16-503, the following provisions apply during the subsequent overflow period if the office
- 706 sends notice of noncompliance under Subsection (5):
- 707 (a) a homeless shelter located within the applicable county may have an occupant load
- 708 factor of one individual for every 40 net square feet;
- 709 (b) a municipality located within the applicable county may not:
- 710 (i) enact or enforce an ordinance that imposes a capacity limit on a homeless shelter
- 711 that conflicts with Subsection (6)(a); or
- 712 (ii) enact or enforce an ordinance that restricts an entity from operating a temporary
- 713 overflow shelter from a facility owned or operated by the entity; and
- 714 (c) the office may contract with a for-profit or nonprofit entity to operate a temporary
- 715 overflow shelter from a state facility located within the applicable county:
- 716 (i) in coordination with the Division of Facilities Construction and Management; and
- 717 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code.
- 718 (7) A homeless shelter may not expand the homeless shelter's capacity under
- 719 Subsection (6)(a) unless:
- 720 (a) the homeless shelter complies with the applicable building code and fire code;
- 721 (b) the fire code official approves the layout of the homeless shelter; and
- 722 (c) for a homeless shelter in operation on January 1, 2022, the homeless shelter's total
- 723 capacity does not exceed 25% of the capacity limit applicable to the homeless shelter on
- 724 January 1, 2022.
- 725 (8) Subsection (6)(a) does not apply to a homeless shelter that is reserved exclusively
- 726 for use by families.
- 727 (9) An entity may not operate a temporary overflow shelter under Subsection (6)(b)(ii)
- 728 unless the office first authorizes the operation of the temporary overflow shelter.
- 729 (10) In authorizing the operation of a temporary overflow shelter under Subsection

730 (6)(b)(ii), the office shall:

731 (a) prioritize the conversion of a hotel or a motel as a temporary overflow shelter; and

732 (b) consider any information provided by the local homeless council to the conference  
733 of mayors under Subsection (1)(b).

734 (11) Unless otherwise approved by the municipality in which a temporary overflow  
735 shelter is located, the office may not authorize the operation of a temporary overflow shelter  
736 under Subsection (6)(b)(ii) or (c):

737 (a) within a one-mile radius of a homeless shelter;

738 (b) within 1,000 feet of a community location as defined in Section [10-8-41.6](#); or

739 (c) within 600 feet of any property zoned for residential use.

740 (12) If the office authorizes the operation of a temporary overflow shelter within a  
741 municipality under Subsection (6)(b)(ii) or (c), the office may not authorize a temporary  
742 overflow shelter within the same municipality under Subsection (6)(b)(ii) or (c) during the  
743 three overflow periods immediately following the overflow period in which the office  
744 authorized the temporary overflow shelter, unless otherwise approved by the municipality.

745 (13) The aggregate number of beds available at all temporary overflow shelters  
746 authorized under Subsections (6)(b)(ii) and (c) during a single overflow period may not exceed  
747 230 beds.

748 Section 13. Section **35A-16-503** is enacted to read:

749 **35A-16-503. Rules.**

750 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
751 office shall make rules governing:

752 (1) the submission of an overflow plan under Subsection [35A-16-502\(1\)](#);

753 (2) the review of an overflow plan for purposes of determining compliance under  
754 Subsection [35A-16-502\(4\)](#);

755 (3) the process of sending a notice of noncompliance under Subsection [35A-16-502\(5\)](#);  
756 and

757 (4) the location, establishment, and operation of a temporary overflow shelter under

758 Subsections 35A-16-502(6)(b)(ii) and (c).

759 Section 14. Section **59-12-205** is amended to read:

760 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
761 **tax revenue -- Determination of population.**

762 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
763 **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's  
764 sales and use tax ordinances:

765 (a) within 30 days of the day on which the state makes an amendment to an applicable  
766 provision of Part 1, Tax Collection; and

767 (b) as required to conform to the amendments to Part 1, Tax Collection.

768 (2) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

769 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall  
770 be distributed to each county, city, and town on the basis of the percentage that the population  
771 of the county, city, or town bears to the total population of all counties, cities, and towns in the  
772 state; and

773 (b) (i) except as provided in Subsections (2)(b)(ii) and (iii), 50% of each dollar  
774 collected from the sales and use tax authorized by this part shall be distributed to each county,  
775 city, and town on the basis of the location of the transaction as determined under Sections  
776 **59-12-211** through **59-12-215**;

777 (ii) 50% of each dollar collected from the sales and use tax authorized by this part  
778 within a project area described in a project area plan adopted by the military installation  
779 development authority under Title 63H, Chapter 1, Military Installation Development  
780 Authority Act, shall be distributed to the military installation development authority created in  
781 Section **63H-1-201**; and

782 (iii) 50% of each dollar collected from the sales and use tax authorized by this part  
783 within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be  
784 distributed to the Utah Inland Port Authority, created in Section **11-58-201**.

785 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall

786 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

787 (i) the county, city, or town is a:

788 (A) county of the third, fourth, fifth, or sixth class;

789 (B) city of the fifth class; or

790 (C) town;

791 (ii) the county, city, or town received a distribution under this section for the calendar  
792 year beginning on January 1, 2008, that was less than the distribution under this section that the  
793 county, city, or town received for the calendar year beginning on January 1, 2007;

794 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
795 within the unincorporated area of the county for one or more days during the calendar year  
796 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
797 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North  
798 American Industry Classification System of the federal Executive Office of the President,  
799 Office of Management and Budget; or

800 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
801 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
802 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
803 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the  
804 2002 North American Industry Classification System of the federal Executive Office of the  
805 President, Office of Management and Budget; and

806 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
807 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
808 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
809 a direct payment permit under Section [59-12-107.1](#); or

810 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
811 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
812 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
813 not the holder of a direct payment permit under Section [59-12-107.1](#).

814 (b) The commission shall make the distribution required by this Subsection (3) to a  
815 county, city, or town described in Subsection (3)(a):

816 (i) from the distribution required by Subsection (2)(a); and

817 (ii) before making any other distribution required by this section.

818 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
819 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

820 (ii) For purposes of Subsection (3)(c)(i):

821 (A) the numerator of the fraction is the difference calculated by subtracting the  
822 distribution a county, city, or town described in Subsection (3)(a) received under this section  
823 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
824 the county, city, or town received for the calendar year beginning on January 1, 2007; and

825 (B) the denominator of the fraction is \$333,583.

826 (d) A distribution required by this Subsection (3) is in addition to any other distribution  
827 required by this section.

828 (4) (a) As used in this Subsection (4):

829 (i) "Eligible county, city, or town" means a county, city, or town that:

830 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)  
831 equal to the amount described in Subsection (4)(b)(ii); and

832 (B) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,  
833 2016.

834 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
835 distributions an eligible county, city, or town received from a tax imposed in accordance with  
836 this part for fiscal year 2004-05.

837 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
838 imposed in accordance with this part equal to the greater of:

839 (i) the payment required by Subsection (2); or

840 (ii) the minimum tax revenue distribution.

841 (5) (a) For purposes of this Subsection (5):

842 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to  
843 1.8% of the participating local government's tax revenue distribution amount under Subsection  
844 (2)(a) for the previous fiscal year.

845 (ii) "Participating local government" means a county or municipality, as defined in  
846 Section 10-1-104, that is not an eligible municipality [~~or grant eligible entity~~] certified in  
847 accordance with Section [~~35A-16-307~~] [35A-16-404](#).

848 (b) For revenue collected from the tax authorized by this part that is distributed on or  
849 after January 1, 2019, the commission, before making a tax revenue distribution under  
850 Subsection (2)(a) to a participating local government, shall:

851 (i) subtract one-twelfth of the annual local contribution for each participating local  
852 government from the participating local government's tax revenue distribution under  
853 Subsection (2)(a); and

854 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
855 Cities Mitigation Restricted Account created in Section [~~35A-16-304~~] [35A-16-402](#).

856 (c) For a participating local government that qualifies to receive a distribution  
857 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection  
858 (5) after the commission applies the provisions of Subsections (3) and (4).

859 (6) (a) Population figures for purposes of this section shall be based on the most recent  
860 official census or census estimate of the United States Bureau of the Census.

861 (b) If a needed population estimate is not available from the United States Bureau of  
862 the Census, population figures shall be derived from the estimate from the Utah Population  
863 Committee.

864 (c) The population of a county for purposes of this section shall be determined only  
865 from the unincorporated area of the county.

866 **Section 15. Repealer.**

867 This bill repeals:

868 Section ~~35A-16-306~~, **Grant eligible entity application process for Homeless Shelter**  
869 **Cities Mitigation Restricted Account funds.**

870 Section [63J-1-801](#), **Definitions.**

871 Section [63J-1-802](#), **Submission of council recommendations -- Adoption,**  
872 **procedure, and approval -- Appropriation.**

873 Section 16. **Appropriation.**

874 The following sums of money are appropriated for the fiscal year beginning July 1,  
875 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
876 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
877 Act, the Legislature appropriates the following sums of money from the funds or accounts  
878 indicated for the use and support of the government of the state of Utah.

879 ITEM 1

880 To Department of Workforce Services -- Office of Homeless Services

881 From General Fund, One-time \$5,800,000

882 Schedule of Programs:

883 Homeless Services \$5,800,000

884 The Legislature intends that:

885 (1) the Office of Homeless Services use appropriations under this item to provide loan  
886 repayment assistance to homeless shelters as defined in Section [35A-16-501](#); and

887 (2) under Utah Code Section [63J-1-603](#), appropriations under this item not lapse at the  
888 close of fiscal year 2023.

889 ITEM 2

890 To General Fund Restricted -- Homeless Shelter Cities Mitigation Restricted Account

891 From General Fund \$5,000,000

892 Schedule of Programs:

893 General Fund Restricted -- Homeless Shelter Cities Mitigation

894 Restricted Account \$5,000,000

895 ITEM 3

896 To Department of Workforce Services -- Office of Homeless Services

897 From General Fund Restricted -- Homeless Shelter Cities Mitigation

